

REMARKS

Applicants' remarks are in response to the Official Action mailed February 2, 2004. Applicant would like to thank the Examiner for deeming that claims 15, 22-23, and 26-28, although objected to as depending from a rejected base claim, do contain patentable subject matter. These claims have been rewritten so as not to depend from a rejected base claim and are respectively numbered 29 to 34 with the exception that claims 30-34 do not include all of the intermediate base claims as included in claims 22, 23 and 26-28 respectively.

In the February 2, 2004 Official Action, claims 14, 16-21, and 24-25, were rejected under 35 U.S.C. § 102(e) as being anticipated by *Ball*, U.S. Patent No. 5,827,112 ("*Ball*"). The Examiner essentially contends that *Ball* teaches each and every recitation included in the claims that it is cited against. Applicants traverse the Examiner's contention and request reconsideration and allowance of the claims.

Claim 14 of the present application includes the recitation of measuring the stress forces across the measuring surface. Support for this recitation may be found in paragraph [0025]. The Examiner cites *Ball* as teaching this recitation; however, the measuring member of *Ball* discloses a measuring device which is only designed to measure a force *perpendicular* to a surface. More specifically, at column 4, lines 49-54, *Ball* states that as the pressure increases "the grinding teeth 46 are pushed up into cavities 44, squeezing the piezoelectric element 60 therein. As the piezoelectric elements are compressed, they put out a signal via electrical conductor, etc. . . ." *Ball* is thus limited to measuring devices which are adapted to only measure direct

pressure, i.e., a perpendicular force to a surface. Further support for this conclusion can be seen in Fig. 4 of the *Ball* reference, which illustrates that a perpendicular force must be placed against the grinding teeth 46 in order to create a pressure against pressure sensor 54. Thus, it is applicants' contention that *Ball* does not anticipate claim 14 of the present application. Applicants request that claim 14 of the present application be deemed to contain patentable subject matter.

Claims 15 and 16 depend directly from claim 14, and thus from arguments consistent with respect to claim 14 should also be deemed to obtain patentable subject matter.

Newly amended claim 17 now includes the recitation of the measuring member measuring the stress forces across the measuring surface. As previously discussed with regard to claim 14, *Ball* does not teach measuring a force across a surface, but rather measuring a force perpendicular to a surface. Therefore, consistent with remarks made with regard to claim 14, applicants believe that claim 17 should be deemed to contain patentable subject matter and is not anticipated by *Ball*.

Claims 18 to 28 depend from claim 17, and thus for arguments consistent with regard to claim 17, as well as claim 14, applicants believe that claims 18 to 28 contain patentable subject matter and should be allowed.

Additionally, claim 21 includes the recitation that the measuring surface journals in a direction substantially parallel to the refine surface. Although the Examiner cites *Ball* for teaching this in Fig. 4, this is clearly in error. *Ball* teaches to apply a force to a sensor flush with respect to a surface or at least having a face which is parallel to the surface. When a force is placed perpendicular to the sensor, the sensor moves perpendicular

with respect to the surface as shown in Fig. 4. Further, the sensor is actually bordered by recesses on the surface and cannot move parallel. Therefore, applicants believe claim 21 includes patentable subject matter and should be deemed available.

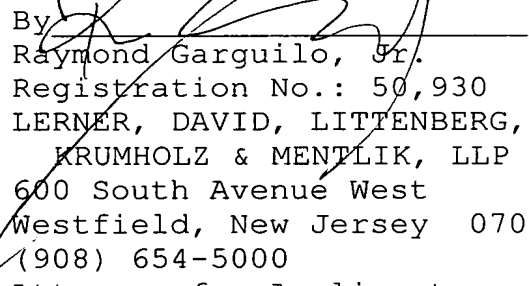
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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